

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, NOVEMBER 3, 2011**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 3, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:03 a.m.

**CONSENT AGENDA**

1. Approve the minutes of the Austin City Council special called meeting of August 23, 2011, work session meeting of October 18, 2011 and regular meetings of October 6 and 20, 2011.  
**The minutes from the special called meeting of August 23, 2011, work session meeting of October 18, 2011 and regular Council meetings of October 6 and 20, 2011 were approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 2 was pulled for discussion.**

3. Authorize execution of a construction contract with CENTRAL ROAD & UTILITY, LTD. (DBE/MH-86.47%), Austin, TX for Lance Armstrong Bike Trail, Phase III in the amount of \$554,397.71 plus a \$55,439.77 contingency, for a total contract amount not to exceed \$609,837.48.  
**The motion authorizing the execution of a construction contract with Central Road & Utility, Ltd. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
4. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, INC., Killeen, TX for the East Bouldin Euclid-Wilson Storm Drain Improvements, in the amount of \$5,632,346 plus a \$563,234 contingency, for a total contract amount not to exceed \$6,195,580.  
**The motion authorizing the execution of a construction contract with McLean Construction, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 5 was pulled for discussion.**

6. Authorize the negotiation and execution of a professional services agreement with FREESE AND NICHOLS, INC., Austin, TX, (staff recommendation) or one of the other qualified responders to RFQ Solicitation CLMP088, to provide Professional Services for the Stormwater Pond Safety Program Engineering Services with an amount not to exceed \$1,250,000.

**The motion authorizing the negotiation and execution of a professional services agreement with Freese and Nichols, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 7 was pulled for discussion.**

8. Authorize negotiation and execution of professional services agreements with the following six (6) staff recommended firms (or one of the other qualified responders): ENCOTECH ENGINEERING CONSULTANTS, INC. (MBE/MA), Austin, TX; JOSE I. GUERRA, INC. (MBE/MH), Austin, TX; TEXAS ENERGY ENGINEERS SERVICES, INC. (MBE/MA), Austin, TX; ENERGY ENGINEERING CONSULTING INC., dba EEA CONSULTING ENGINEERS, Austin, TX; O'CONNELL ROBERTSON, Austin, TX, and the ARIZPE GROUP, INC. (MBE/MH), Austin, TX, for Professional Engineering Services for the 2012 Mechanical Electrical and Plumbing (M.E.P.) Rotation List for a period of three years or until financial authorization is expended, with a total authorization amount not to exceed \$1,200,000.00 divided among the 6 firms.

**The motion authorizing the negotiation and execution of professional service agreements with Encotech Engineering Consultants, Inc.; Jose I. Guerra, Inc.; Texas Energy Engineers Services, Inc.; Energy Engineering Consulting Inc. doing business as EEA Consulting Engineers; O'Connell Robertson; and the Arizpe Group, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

9. Approve the Schematic Design for Seaholm Substation Wall Art in Public Places Project prepared by NADAAA, Inc., and authorize proceeding with Design Development Services.

**This item was withdrawn on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

10. Approve an ordinance amending Chapter 7-2 of the City Code to allow the waiver of certain fees for projects commissioned by the City's Art in Public Places Program.

**Ordinance No. 20111103-010 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Items 11 and 12 were pulled to be heard after the related items.**

13. Approve an ordinance amending Ordinance No. 20111020-012 to waive the requirements of City Code section 25-1-502 for a public hearing before the city council; and declaring an emergency.

**Ordinance No. 20111103-013 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

14. Approve an ordinance authorizing acceptance of \$17,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, Division of Prevention and Preparedness Services, and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) by appropriating \$17,000 for the Influenza Incidence Surveillance Project.

**Ordinance No. 20111103-014 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

15. Approve an ordinance authorizing acceptance of \$252,608 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, Washington, D.C.; and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$252,608 for the Ryan White Part A HIV Emergency Relief Project and Minority AIDS Initiative Grant Program to provide medical and supportive services to people with the human immunodeficiency virus.

**Ordinance No. 20111103-015 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

16. Authorize negotiation and execution of a renewal and amendment to the Interlocal Agreement with the CITY OF MANOR (Manor) to provide certain public health services to Manor for a one year term beginning October 1, 2011, with an option to renew for one 12-month term.

**The motion authorizing the negotiation and execution of a renewal and amendment to the interlocal agreement with the City of Manor was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

17. Authorize negotiation and execution of an amendment to a legal services agreement with Richards Rodriguez & Skeith, LLP to pay for legal services related to Cause No. A 11-CA 887-LY; Bryon Carter, Sr., et al v. City of Austin et al; In the U.S. District Court for the Western District of Texas, Austin Division, to increase funding in the amount of \$300,000 for a total contract amount not to exceed \$355,000.

**The motion authorizing the negotiation and execution of an amendment to a legal services agreement with Richards Rodriguez & Skeith LLP was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

18. Approve a resolution appointing Michael Trimble, Capital Planning Officer to the Board of Directors of Austin Convention Enterprises, Inc. and removing Leslie Browder, Chief Financial Officer.

**Resolution No. 20111103-018 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 19 was pulled for discussion.**

20. Authorize the negotiation and execution of a 12-month lease renewal for 2.52 acres of land and 3,000 square feet of office and warehouse improvements located at 5109 E. Ben White, from 5005 B.W. LP, for use by the Watershed Protection Department, Pond Maintenance Program, in an amount not to exceed \$58,000.

**The motion authorizing the negotiation and execution of a lease renewal was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

21. Authorize award and execution of a 36-month supply agreement with INDUSTRIAL ASPHALT, Austin, TX, for hot mix-cold laid asphaltic concrete cold mix, Type D for the Public Works Department in an amount not to exceed \$111,750 with three 12-month extension options in an amount not to exceed \$37,250 for each option, for a total contract amount not to exceed \$223,500.

**The motion authorizing the award and execution of a supply agreement with Industrial Asphalt was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

22. Authorize award, negotiation and execution of a 36-month requirements service contract with ORCOM SOLUTIONS LLC, D/B/A VERTEX GROUP, Richardson, TX for the purchase of an Electronic-Customer Information System (E-CIS) archive access database with associated hosting services, maintenance and support for Austin Energy, in an estimated amount not to exceed \$952,920.

**The motion authorizing the award, negotiation and execution of a requirements service contract with Orcom Solutions LLC doing business as Vertex Group was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

23. Authorize award, negotiation, and execution of a 12-month contract with EPSIIA CORP., dba FISERV SOLUTIONS, INC., Austin, TX, or one of the other qualified offerors to RFP No. MSO0054, to provide maintenance and support of financial report storage and retrieval software in an amount not to exceed

\$69,250, with four 12-month extension options in an amount not to exceed \$43,500 per extension option, for a total contract amount not to exceed \$243,250.

**The motion authorizing the award, negotiation and execution of a contract with EPSIIA Corp., doing business as Fiserv Solutions, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

24. Authorize award and execution of Amendment No.1 to a 36-month requirements contract with LONE STAR TENNIS COMPANY, Austin, TX, for tennis pro management services at the Austin Tennis Center for the Parks and Recreation Department, for two additional 2-year extension options in an amount not to exceed \$90,000 per extension option, for a total revised contract amount not to exceed \$315,000.

**The motion authorizing the award and execution of amendment number one to a requirements contract with LoneStar Tennis Company was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

25. Authorize award and execution of a contract with TRILLIUM DEVELOPMENT LTD CO., Scottsdale, AZ, for a one-time purchase of 120,000 feet of traffic signal cable for the Austin Transportation Department, for a total contract amount not to exceed \$55,638.

**The motion authorizing the award and execution of a contract with Trillium Development Ltd Co. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

26. Authorize award and execution of a 12-month requirements supply contract with EQUIPMENT DEPOT, PFLUGERVILLE, TX for the lease of forklifts for Austin Energy in an estimated amount not to exceed \$177,240, with three 12-month extension options in an estimated amount not to exceed \$177,240 per extension option, for a total estimated contract amount not to exceed \$708,960.

**The motion authorizing the award and execution of a requirements supply contract with Equipment Depot was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

27. Authorize award and execution of Amendment No. 12 to a contract with AMERICAN LEGAL PUBLISHING, CORP., Cincinnati, OH, for recodification (codification) of the Code of the City of Austin and supplements, and the City's Technical Criteria Manuals and supplements, in an amount not to exceed \$30,000, for a revised total estimated contract amount not to exceed \$331,182.

**The motion authorizing the award and execution of amendment number 12 to a contract with American Legal Publishing, Corp was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

28. Authorize award, negotiation and execution of a 36-month requirements service contract with SUCCESSFACTORS (USA), San Mateo, CA for the purchase of an Application Service Provider (ASP) performance management hosted software subscription and software maintenance and support services for Austin Energy in an estimated amount not to exceed \$778,593, with two 12-month extension options in an estimated amount not to exceed \$259,531 per extension option, for a total estimated contract amount not to exceed \$1,297,655.

**The motion authorizing the award, negotiation and execution of a requirements service contract with SuccessFactors (USA) was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

29. Approve the negotiation and execution of an Interlocal Agreement with Travis County to extend Tuscany Way South from US Highway 290 to Springdale Road, in an amount not to exceed \$1,500,000.

**The motion to approve the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

30. Approve the negotiation and execution of an Interlocal Agreement with Travis County to extend Slaughter Lane from Goodnight Ranch Subdivision (Old Lockhart Highway) to Thaxton Road, in an amount not to exceed \$1,500,000.

**The motion to approve the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

31. Authorize negotiation and execution of a 36-month Agreement between the City of Austin and the Downtown Austin Transportation Management Association (DATMA), to provide funding to DATMA in support of its accessibility, mobility and sustainable growth programs, and to extend the City's involvement in clean air programs in the amount of \$37,500 for 12 months, with two 12-month renewal options, for a total agreement amount not to exceed \$112,500.

**The motion authorizing the negotiation and execution of an agreement between the City of Austin and the Downtown Austin Transportation Management Association was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 32 was pulled for discussion.**

33. Authorize negotiation and execution of a 12-month Interlocal Agreement with Texas AgriLife (TAL), of the Texas A&M University System for the time and expertise of TAL engineers and staff to develop additional water quality modeling capabilities in a cooperative project with City of Austin staff, with three 12-month extension options, for a total contract amount not to exceed \$100,000.

**The motion authorizing the negotiation and execution of an interlocal agreement with Texas AgriLife was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 34 was pulled for discussion.**

35. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

**The following appointments were approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Board/Nominee**

**Nominated by**

Bond Election Advisory Task Force

Don Baylor  
Craig Enoch  
Heather Way

Council Member Spelman  
Council Member Spelman  
Council Member Tovo

Building and Standards Commission

Steven Alloway

Mayor Pro Tem Cole

Design Commission

James Shieh

Mayor Leffingwell

Downtown Commission

Bart Whatley  
(representative of the Design Commission)

Council Member Morrison

**Item 36 was pulled to be heard after the staff presentation.**

37. Approve a resolution supporting the City's application for a technical assistance grant from the American Institute of Architects Sustainable Design Assessment Team. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)  
**Resolution No. 20111103-037 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
38. Approve a resolution requesting the City Manager prepare recommendations and provide funding strategies whereby the City of Austin may financially participate in the establishment of the Social Enterprise Complex, based on the Southwest Key Proposal and report back to Council no later than January 3, 2012. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley )  
**Resolution No. 20111103-038 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
39. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 5th annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church which is to be held on Saturday, March 31, 2012 beginning and ending at St. James Missionary Baptist Church. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo )  
**The motion to approve the waiver of certain fees and requirements for the 5<sup>th</sup> annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
40. Approve the waiver of certain fees and requirements for the Insights Art Show and Sale event sponsored by the Volunteer Services Council of the Austin State Hospital which is to be held on Thursday, January 26, 2012 taking place at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley )  
**The motion to approve the waiver of certain fees and requirements for the Insights Art Show and Sale event was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
41. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 21st Annual ThunderCloud Subs Turkey Trot which is to be held on Thursday, November 24, 2011 at the Long Center for the Performing Arts. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez )  
**The motion to approve the waiver of certain fees and requirements for the 21<sup>st</sup> Annual ThunderCloud Subs Turkey Trot was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
42. Authorize reimbursement of certain costs for the Becker Elementary School Fall Festival which was held Friday, October 28, 2011 at Becker Elementary School. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole )  
**The motion authorizing the reimbursement of certain costs for the Becker Elementary School Fall Festival was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**
43. Approve a resolution affirming City Council's intention to hold a charter amendment election in November 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez )  
**Resolution No. 20111103-043 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**Item 44 was pulled for discussion.**

45. Set a public hearing to consider an ordinance amending the City Code to make the Personal Services land use a permitted or conditional use in the Limited Office (LO) base zoning district. (Suggested date and time: November 10, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set on consent for November 10, 2011 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

Items 46 and 47 were briefing items set for 10:30 a.m.

Items 48 through 50 were Executive Session items.

Items 51 and 55 were bond sale items set for 2:00 p.m.

Items 56 through 71 were zoning items set for 2:00 p.m.

Items 72 through 77 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

34. Approve a resolution authorizing the City Manager to prepare and submit an application to the United States Fish and Wildlife Service for a 10(a)(1)(B) Incidental Take permit for the endangered Barton Springs Salamander (*Eurycea sosorum*) and the Austin Blind Salamander (*Eurycea waterlooensis*) in anticipation of its listing as endangered. The permit will apply to Barton Springs and adjacent springs located in Zilker Park through 2033.

**Resolution No. 20111103-034 was approved on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**

2. Approve a May 2012 general election runoff date of June 23, June 30, or July 7 for purposes of finalizing the May 2012 election calendar.

**The motion to approve a May 2012 general election runoff date of June 23, 2011 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

5. Authorize execution of change order #8 to the construction contract with TEXAS STERLING CONSTRUCTION CO., San Antonio, TX for the Shoal Creek Allandale Storm Drain Improvement in the amount of \$223,607, for a total contract amount not to exceed \$6,322,263.05.

**The motion authorizing the execution of change order number eight to the construction contract with Texas Sterling Construction Co. was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote. Direction was given to staff to organize a meeting with the neighborhood and project manager to discuss options and provide Council with the results of the meeting; give special attention to more coordination with the neighborhood; explore means to speed up the completion of the project; and provide the neighborhood with examples of emergency vehicle access to their property.**

7. Authorize execution of a construction contract with JERDON ENTERPRISE, LP, San Antonio, TX for the Rebid-Parkway Channel and Stream Stabilization project in an amount not to exceed \$496,688.50.

**The motion authorizing the execution of a construction contract with Jerdon Enterprise, LP was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Action was taken on item 19 but was reconsidered later in the meeting. See below.**

32. Approve a resolution stating the City's preference for proposed sound walls along the Loop 1 (MoPac) corridor as part of the MoPac Improvement Project in the City's capacity as adjacent property owner to the proposed project, and authorizing the City Manager to negotiate an agreement with the Central Texas Regional Mobility Authority (CTRMA) for use of the City's Right-of-Way for the potential construction of Wall No. 3.

**Resolution No. 20111103-032 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to revisit the installation of a vegetative buffer along the western edge of Austin Memorial Park Cemetery with the Central Texas Regional Mobility Authority.**

44. Set a public hearing to consider proposed changes to the City Code to amend provisions relating to the City's historic preservation program, including changes to the criteria for designating historic landmarks, property tax exemptions for historic landmarks, and provisions relating to properties located within National Register and Local Historic Districts. (Suggested date and time: December 8, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set for December 8, 2011 at 4:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

### **BRIEFINGS**

46. Austin Energy Quarterly briefing.

**Presentation was made by Larry Weis, General Manager Electric Utility and Elaine Hart, Sr. Vice President of Finance, Austin Energy.**

### **CITIZEN COMMUNICATIONS: GENERAL**

Gus Peña- Happy Veterans Day 1. Please remember and thank all veterans past, present for their service, sacrifices and dedication to our beloved U.S.A. and other countries freedom, safety and democracy. We gave it our all. 2. Happy birthday to our United States Marine Corps on our 236th birthday Semper Fideles to our glorious United States Marine Corps we were born on November 8th, 1775. 3. Remember and thank all current military personnel. They need jobs, mental health treatment, PTSD treatment, housing, re-entry counseling. Show your appreciation and thanks every day but also on Veterans Day.

Walter Olenick- Water Fluoridation

Tom Davis- City water policy- specifically, the fact that the term "watering" in city policy is over-broad and needs to be refined into several different categories.

Brian J. Overman- Regarding the use of City property designated as public space.

Jaime Piedra- TBA. **Was not present when name was called.**

Clay Dafoe- Downtown Austin plan.

James O'brien- Occupy Austin **Was not present when name was called.**

Philip Greene- Fluoridation

Rae Nader-Olenick- Water fluoridation

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:36 p.m.**



**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

49. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:04 p.m.**

**Items 11, 52 and 53 were acted on in a combined motion**

**DISCUSSION ITEMS CONTINUED**

11. Approve an ordinance accepting and approving a Service and Assessment Plan and Assessment Roll related to the property located in the Indian Hills Public Improvement District and further related to the City of Austin, Texas Special Assessment Revenue Bonds, Senior Series (Indian Hills Public Improvement District) and the City of Austin, Texas Special Assessment Revenue Bonds, Subordinate Series 2011 (Indian Hills Public Improvement District) and levying special assessments on the property within the Indian Hills Public Improvement District. Related to Items # 52 and 53.

**Ordinance No. 20111103-011 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.**

**DISCUSSION AND POSSIBLE ACTION ON BOND SALES**

52. Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Senior Series 2011 (Indian Hills Public Improvement District), in an amount not to exceed \$ 3,500,000, and approving all related documents and fees. Related to Items # 11 and 53.

**Ordinance No. 20111103-052 in the amount of \$2,860,000 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.**

53. Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Subordinate Series 2011 (Indian Hills Public Improvement District), in an amount not to exceed \$3,000,000 and approving all related documents and fees. Related to Items # 11 and 52.

**Ordinance No. 20111103-053 in the amount of \$2,332,350 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.**

**Items 12, 54 and 55 were acted on in a combined motion**

**DISCUSSION ITEMS CONTINUED**

12. Approve an ordinance accepting and approving a Service and Assessment Plan and Assessment Roll related to the property located in the Whisper Valley Public Improvement District and further related to the City of Austin, Texas Special Assessment Revenue Bonds, Senior Series (Whisper Valley Public Improvement District) and the City of Austin, Texas Special Assessment Revenue Bonds, Subordinate Series 2011 (Whisper Valley Public Improvement District) and levying special assessments on the property within the Whisper Valley Public Improvement District. Related to Items # 54 and 55.

**Ordinance No. 20111103-012 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.**

**DISCUSSION AND POSSIBLE ACTION ON BOND SALES CONTINUED**

54. Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Senior Series 2011 (Whisper Valley Public Improvement District), in an amount not to exceed \$16,500,000, and approving all related documents and fees. Related to Items # 12 and 55.  
**Ordinance No. 20111103-054 in the amount of \$15,500,000 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.**
55. Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Subordinate Series 2011 (Whisper Valley Public Improvement District), in an amount not to exceed \$18,800,000, and approving all related documents and fees. Related to Items # 12 and 54.  
**Ordinance No. 20111103-055 in the amount of \$18,485,168 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.**

**DISCUSSION AND POSSIBLE ACTION ON BOND SALES CONTINUED**

51. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2011, in an amount not to exceed \$240,000,000 by May 3, 2012 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees. These funds will be used to refund tax-exempt commercial paper and certain outstanding Water and Wastewater Revenue Refunding Bonds, and Combined Utility System Subordinate Lien Revenue Bonds. Refunding these obligations is intended to free a significant portion of the commercial paper credit line for future borrowing needs as well as result in present value savings exceeding the City's target guideline of 4.25%.  
**Ordinance No. 20111103-051 in the amount of \$235,370,000 was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Tovo abstained.**

**DISCUSSION ITEMS CONTINUED**

36. Approve a resolution naming the entire hike and bike trail around Lady Bird Lake as the "Ann and Roy Butler Hike and Bike Trail", and waiving the applicable requirements of Chapter 14-1 of the City Code related to naming this property. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member William Spelman)  
**Mayor Leffingwell passed the chair to Mayor Pro Tem Cole for the purpose of making a motion.**  
**Resolution No. 20111103-036 was approved on Mayor Leffingwell's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 2:58 p.m.

**EXECUTIVE SESSION CONTINUED**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

48. Discuss legal issues relating to Austin Firefighters Association, et. al. v. City of Austin, et al.; cause no. D-1-GN-08-003824 in the 250th Judicial District Court of Travis County, Texas; (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
50. Discuss legal issues related to Byron Carter Sr., et al v. City of Austin et al, Cause No A-11-CA 887-LY in the U.S. District Court, Western District of Texas (private consultation with legal counsel pursuant to Section 551.071 of the Government Code)

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:32 p.m.**

**Action was taken on item 19 but was reconsidered later in the meeting. See below**

#### **ZONING CONSENT ITEMS (PUBLIC HEARINGS)**

**The following zoning items were acted on by one motion. No separate action occurred on any of the items.**

56. NPA-2011-0015.01 - Walnut Creek Greenbelt - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 of the East MLK Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 6406 Garden View Lane (Walnut Creek Watershed) from Mixed Residential and Mixed Use to Recreation/Open Space land use. Staff Recommendation: To grant Recreation/Open Space land use on the FLUM. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Maureen Meredith, 974-2695.  
**This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
57. C14-2011-0086 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6406 Garden View Drive (Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.  
**This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
58. C14-2011-0082 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5702 1/2 Jain Lane (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.  
**This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
59. NPA-2011-0016.01 - East Boggy Creek Greenbelt - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5702 1/2 Jain Lane (Boggy Creek Watershed) from Single Family and Civic to Recreation/Open Space land use. Staff Recommendation: To grant Recreation/Open Space land use on the FLUM. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant/Owner: City of Austin,

Parks and Recreation Department. Agent: Greg Montes, Senior Planner, Parks and Recreation Department. City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

60. C14-2011-0083 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5200 Bolm Road and 5509-5609 Stuart Circle (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.  
**This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
61. NPA-2011-0016.02 - East Boggy Creek Greenbelt - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5509-5609 Stuart Circle (Boggy Creek Watershed) from Single Family and Water to Recreation/Open Space land use. Staff Recommendation: To grant Recreation/Open Space land use on the FLUM. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Maureen Meredith, 974-2695.  
**This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
62. C14-2011-0102 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2907 1/2 Delwau Lane (Boggy Creek Watershed) from single family residence-standard lot (SF-2) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111103-062 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
63. C14-2011-0107 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7112 1/2 Zachary Drive (Walnut Creek Watershed) from single family residence-small lot (SF-4A) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111103-063 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
64. C14-2011-0114 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2906 1/2 Delwau Lane (Boggy Creek Watershed) from single family residence-standard lot (SF-2) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant/Owner: City of Austin, Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111103-064 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

65. C14-2011-0055 - Kessler Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To forward to City Council without a recommendation. Owner/Applicant: Illan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed on consent to December 15, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

66. C14-2011-0092 - Hoffman-Pauls Triangle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8901, 8903 and 8905 FM 969 Road (Elm Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial conditional overlay (GR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial conditional overlay (GR-CO) combining district zoning with additional conditions. Owner/Applicant: Connie Hoffman. City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111103-066 for community commercial conditional overlay (GR-CO) combining district zoning with additional conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

67. C14-2011-0093 - The Grove - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3707 Manchaca Road from limited office (LO) district zoning and multi-family residence-low density (MF-2) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2011. Applicant: FHB Forest Apartments, LP. Agent: WFA Austin (Scott Wuest). City Staff: Stephen Rye, 974-7604.

**This item was postponed on consent to December 8, 2011 at staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

68. C14-2011-0097 - Round Rock ISD West Transportation Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15000 North FM 620 Road (Lake Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Round Rock Independent School District (Alan Albers). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111103-068 for community commercial conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

69. C14-2011-0108 - Grandview Hills Section 9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12701 Wilson Parke Avenue (Lake Travis Watershed) from limited office (LO) district zoning to single family

residence-standard lot (SF-2) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: This case was withdrawn by the applicant prior to the public hearing. Owner/Applicant: Wilson Parke Avenue, Ltd. (Jeremy Smitheal). Agent: Brown McCarroll (Nikelle Meade). City Staff: Sherri Sirwaitis, 974-3057.

**This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

71. C14-2011-0111 - Naser Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12030 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To be heard on November 15, 2011. Owner/Applicant: Faris Properties (Nasib Nasar). City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed on consent to December 8, 2011 at staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

### DISCUSSION ZONING ITEM

70. C14-2011-0110 - Parmer Lane Luxury Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5922 1/2 Parmer Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Owner/Applicant: Robinson Land Limited Partnership, Et Al (John Oscar Robinson). Agent: Bury & Partners, Inc. (Megan Wanek). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to conduct a traffic impact analysis at the site plan stage.**

47. Austin Resource Recovery Master Plan briefing.  
**This item was postponed indefinitely without objection.**

### PUBLIC HEARINGS AND POSSIBLE ACTION

72. Conduct a public hearing for the full purpose annexation of the Burleson-Felter (approximately 97 acres in Travis County south of Burleson Road approximately 1,100 feet west of the intersection of Burleson Road and McKinney Falls Parkway).

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote. Direction was given to staff to research whether or not Felter Road is a public or private road.**

73. Conduct a public hearing for the full purpose annexation of the Ribelin Ranch Preserve (approximately 542 acres in Travis County north of FM 2222 approximately 900 feet north of the intersection of FM 2222 and McNeil Drive).

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Direction was**

**given to staff to have someone prepared to answer questions regarding the Balcones reserve at the next public hearing.**

74. Conduct a public hearing for the full purpose annexation of the Northridge Park Section 2 (approximately 97 acres in Travis County at the northeast corner of the intersection of Manor Road and Old Manor Road).

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

75. Conduct a public hearing and consider an ordinance amending City Code Sections 25-1-364 and 25-2-921 to authorize temporary pop-up retail in the Central Business District and Downtown Mixed Use zoning districts.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20111103-075 was approved with the following amendment on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote. The amendment was to have Part 2.(F)(4) read, "A permit for a temporary retail use under this subsection may be issued for up to 45 days and renewed once, for a total operating period not to exceed 90 days."**

76. Conduct a public hearing and consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to modify requirements for open space (C20-2010-020).

**This item was postponed to December 8, 2011 on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

**Mayor Leffingwell recessed the Council Meeting at 5:30 p.m.**

### **LIVE MUSIC**

God-Des & She

### **PROCLAMATIONS**

Proclamation -- Austin Lyric Opera's 25th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Jo Anne Christian and Rob Hegleberg

Certificate of Congratulations -- Adela Garcia, Ms. Fitness Olympia -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Distinguished Service Award -- Florence Ponziano -- to be presented by Council Member Bill Spelman and to be accepted by the honoree

Certificate of Appreciation -- Manuel Charles Gonzalez -- to be presented by Council Member Mike Martinez and to be accepted by the honoree

**Mayor Leffingwell called the Council Meeting back to order at 6:38 p.m.**

77. MP-2011-0003 Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Downtown Austin Plan, directing the City Manager to process code amendments recommended in the Downtown Austin Plan, and initiating re-zonings of properties as recommended in the Downtown Austin Plan. The planning area includes properties bounded approximately by Interstate 35 to the east, the west side of Lamar Blvd. to the west, Lady Bird Lake to the south and Martin Luther King Jr. Blvd. to the north.

There was a main motion made by Mayor Pro Tem Cole and seconded by Council Member Spelman to close the public hearing and approve Ordinance 20111103-077 adopting the November 2010 draft downtown plan as it was stated with the following amendment.

The motion was made by Mayor Pro Tem Cole, seconded by Council Member Spelman to amend the main motion by including "the bonus awarded for any bedroom over two shall be granted only when those units conform to established affordability targets for downtown".

There was a substitute motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to close the public hearing and approve the first reading of the ordinance approving Downtown Austin Plan, including the staff recommended amendments, as an amendment to the Austin Tomorrow Plan and directing the City Manager to implement the code amendments as recommended in the plan; initiate the re-zonings as recommended in the plan; include the capital projects identified in the plan in the City's capital planning processes and to identify possible funding strategies for those elements of the plan; and develop a detailed plan for creating a Central City Economic Development Corporation and present that plan to City Council for consideration and possible action.

The motion was made by Mayor Pro Tem Cole, seconded by Council Member Spelman to amend the substitute motion by eliminating the three bedroom bonus. The motion was approved on a 7-0 vote.

The motion was made by Mayor Pro Tem Cole, seconded by Council Member Spelman to amend the substitute motion to include Planning Commission recommendation number two that states "Density bonuses should be permitted in exchange for on-site open space that is publicly accessible and meets well-defined criteria or for fee-in-lieu that could be used to improve downtown parkland. The fee-in-lieu payments should go into a trust fund similar to the Housing Trust Fund for affordable housing. The trust fund should supplement, not supplant, the Parks and Recreation Department budget. Improvements involving use of trust fund dollars should be limited to the downtown area and should be spent within two to three years of receipt. City staff needs to clarify whether fee-in-lieu payments can only be used for park capital improvements or could also be used for operation and maintenance to enhance downtown parks, in which case PARD should have discretion for using the funds in either category." The motion was approved on a 7-0 vote. Direction was given to staff to research the use of the fee-in-lieu of payments being used for capital cost and operations and to include as part of the calibration the deficiency in operations.

The motion was made by Council Member Morrison, seconded by Council Member Spelman to amend the substitute motion by including "Adjust the density bonus requirements for non-residential projects to follow the same structure as those for residential projects by including a fee-in-lieu for affordable housing for the first 50% increase in Floor to Area Ratio (FAR) while acknowledging that due to existing market conditions this fee is currently recommended to be zero dollars per square foot, but as part of the regular recalibration process it can be adjusted to meet the new market conditions." The motion was approved on a 7-0 vote.

The motion was made by Council Member Spelman, seconded by Council Member Morrison to amend staff recommendation number 57 by deleting the last bullet and replace it with the following amendment. The motion was approved on a 7-0 vote.

The amendment reads:

"The City Manager is hereby directed to revise the Downtown Density Bonus Program such that:

- CURE is no longer available as a means of achieving additional height and/or density (FAR) downtown.
- The Density bonus program will allow limited flexibility with regard to types and amount (in excess of the "floor") of community benefits provided by applicant.



- A “floor” will be set with respect to the Downtown Density Bonus based on the value of 100% of the affordable housing fee-in-lieu as prescribed by the program. If the applicant chooses not to proceed with the administrative process by simply paying 100% of the fee-in-lieu as prescribed by the density bonus program, or providing on-site affordable housing based on the program’s parameters or any of the other density programs applicant is responsible for demonstrating the monetized value of benefits.
- Staff will administratively evaluate to make sure the offered community benefits meet or exceed the value of the floor.
- At least one-half of the fee-in-lieu amount will be for affordable housing. The rest may be for other preferred community benefits.
- If floor is met or exceeded per staff, Council will consider the density bonus proposal.”

The motion was made by Council Member Riley, seconded by Mayor Leffingwell to eliminate the 45’ height limit in the warehouse district and modify the recommendation in HP22 on page 71 of the plan for the Warehouse District to direct staff to explore additional tools for preserving the historic character of the district without imposing a strict height limit. Such tools could include: an overlay, design standards and review of permits by the Historic Landmark Commission. The motion was approved on a 4-3 vote. Those voting aye were: Mayor Leffingwell and Mayor Pro Tem Cole and Council Members Martinez and Riley. Those voting nay were: Council Members Morrison, Spelman and Tovo.

The motion was made by Council Member Riley, seconded by Council Member Martinez to direct staff to explore potential funding mechanisms to support affordable housing and supportive services in and around downtown. Such tools could include: 40% allocation currently in place on properties previously owned by the city; other tools drawing on the tax base associated with particular projects; fees associated with events; and other potential tools based on best practices in other cities. This amendment relates to item AU2-1 on pages 82 and 83. The motion was approved on a 7-0 vote.

The motion was made by Council Member Morrison, seconded by Council Member Spelman to amend the substitute motion to include “where density bonuses are permitted on properties zoned (H) Historic, development utilizing a density bonus shall maintain the architectural integrity of the Historic Landmark as determined by the Historic Landmark Commission.” The motion was approved on a 7-0 vote.

The motion was made by Council Member Riley, seconded by Mayor Pro Tem Cole to direct the City Manager to recommend tools for promoting a healthy mix of uses downtown, including: making cocktail lounge a conditional use in areas like Rainey Street that are currently outside recognized entertainment districts (E. 6<sup>th</sup>, Warehouse District, and Red River (from 6<sup>th</sup> to 10<sup>th</sup>)). In reference to item AU1.3 on page 80, direct staff to make recommendations on incentives for other uses such as use of the business retention enhancement program, city participation in utility infrastructure improvements, and expedited review of permits. The motion was approved on a 7-0 vote.

The substitute motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to close the public hearing and approve the first reading of the ordinance approving Downtown Austin Plan, including the staff recommendation amendments, as an amendment to the Austin Tomorrow Plan and directing the City Manager to implement the code amendments as recommended in the plan; initiate the re-zonings as recommended in the plan; include the capital projects identified in the plan in the City’s capital planning processes and to identify possible funding strategies for those elements of the plan; and develop a detailed plan for creating a Central City Economic Development Corporation and present that plan to City Council for consideration

and possible action as previously amended except as it relates to the northwest and uptown capital districts for the downtown planning area was approved on a 7-0 vote.

The substitute motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to close the public hearing and approve the first reading of the ordinance approving Downtown Austin Plan, including the staff recommendation amendments, as an amendment to the Austin Tomorrow Plan and directing the City Manager to implement the code amendments as recommended in the plan; initiate the re-zonings as recommended in the plan; include the capital projects identified in the plan in the City's capital planning processes and to identify possible funding strategies for those elements of the plan; and develop a detailed plan for creating a Central City Economic Development Corporation and present that plan to City Council for consideration and possible action as previously amended as it relates specifically to the northwest district for the downtown planning area was approved on a 6-0 vote. Council Member Riley recused himself.

The substitute motion made by Council Member Morrison and seconded by Council Member Spelman to close the public hearing and approve the first reading of the ordinance approving Downtown Austin Plan, including the staff recommendation amendments, as an amendment to the Austin Tomorrow Plan and directing the City Manager to implement the code amendments as recommended in the plan; initiate the re-zonings as recommended in the plan; include the capital projects identified in the plan in the City's capital planning processes and to identify possible funding strategies for those elements of the plan; and develop a detailed plan for creating a Central City Economic Development Corporation and present that plan to City Council for consideration and possible action as previously amended as it relates specifically to the uptown capital district for the downtown planning area was approved on a 6-0 vote. Council Member Tovo recused herself.

19. Approve an ordinance setting the Austin City Council meeting schedule for calendar year 2012 and waiving certain requirements of City Code Section 2-5-24.

Ordinance No. 20111103-019 was approved on Council Member Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.

A motion to reconsider item 19 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Ordinance No. 20111103-019 adopting the revised Austin City Council meeting schedule was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

A motion to reconsider item 19 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Ordinance No. 20111103-019 adopting the third revision of the Austin City Council meeting schedule was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 9:30 p.m. without objection.

The minutes for the regular meeting of November 3, 2011 were approved on this the 10th day of November 2011 on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 7-0 vote.